

Application No.: 09/970,789
Reply to Office Action of May 6, 2008

REMARKS

The Office Action of May 6, 2008, has been carefully reviewed and these remarks are responsive thereto. Claims 11, 22, 31, 35, and 42 have been amended to further clarify the scope of protection. Claims 59-68 are new. No new matter has been added. Claims 11-37, 42-51, and 59-68 are pending. Claims 56-58 have been canceled. Reconsideration and allowance of the instant application are respectfully requested.

Comments Regarding Alleged Non-functional Descriptive Material

Throughout the Office Action the Office summarily ignores various aspects of many claims as allegedly being directed to non-functional descriptive material. Applicants respectfully submit that summarily ignoring claim language in such a manner is improper. While the applicants respectfully traverse that many of these claims are directed to non-functional descriptive material, the applicants have amended independent claims 11, 22, 31, 35, and 42 to further define the functional relationship of the data within the steps of the claim in order to advance the prosecution of this application.

For example, amended claim 1 recites to portable device comprising:

a display screen;
a processing unit;

and a memory storing computer readable instructions that, when executed by the processor, cause the portable device the portable device database entries comprising:

- (i) receiving a task list, wherein each task comprises information known about a unique shipment of goods prior to the shipment being inspected;
- (ii) displaying task information on the display screen to inform a user about upcoming inspections;
- (iii) receiving inspection results from the user, wherein an on-site inspection of one of the shipments of goods in the task list is performed by the user and the on-site inspection of goods is based from the information about the unique shipment of goods, further wherein the inspection results correspond to the user's on-site inspection of one of the shipments of goods in the task list; and
- (iv) transmitting the inspection results over a wireless communications link.

In this amended claim 1, the "information about a unique shipment of goods" in step (i) is functionally used throughout each of the subsequent steps. For example, in step (ii), the information is displayed to inform the user of the upcoming inspections. In step (iii), the

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information is used by the user during the on-site inspection of the unique shipment of goods as discussed in step (i).

The Office Action states that “the information within the data structures are given patentable weight only if the data becomes functional, if further steps in the claim use the specific data, or if they manipulate the specific type of data.” (Office Action, pg. 11). In the present claims, there is clearly a functional relationship between what is stored and the rest of each claim in which a “non-functional descriptive material” argument is used by the Office. For example, claim 31 indicates that “each entry in the database is representative of a task,” and then goes on to claim computer executable instructions stored in memory, where one of the instructions states “displaying detailed task information on the display screen.” There is therefore a functional nexus between the material stored in the database and the rest of the claim. The same is also true for other claims where a non-functional descriptive material rejection has been alleged. Applicants therefore respectfully request that the Office properly examine the claims *as a whole*, as required by Federal Circuit precedent.

Rejections Under 35 U.S.C. § 103(a)

Pending claims 11-37 and 42-51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McClelland (U.S. Patent No. 6,707,879, hereinafter *McClelland*) in view of Moore (U.S. Patent No. 6,246,778, hereinafter *Moore*). Applicants respectfully traverse.

The claim limitations of amended independent claims 11, 22, 31, and 35 are not taught or suggested by the prior art of record, even if combined. For example, claims 11 and 22 contain a step that includes receiving a task list “wherein each task comprises information known about a unique shipment of goods prior to the shipment being inspected.” *McClelland* makes no reference to using any pre-existing data. *Moore* is able to read a tag from the goods being inspected, but the authentication in *Moore* is based solely on the contents of this tag, which serves as a unique identifier. There is no notion of the tag containing information about the shipment of goods itself or of the field reader displaying any such information. Therefore, the prior art of record fails to teach or suggest the features of claims 11 and 22.

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The Office Action alleges that, in *McClelland*, the x-raying of a shipment by a machine prior to the user's review of that x-ray constitutes "information known about a unique shipment of goods prior to the shipment being inspected." However, *an x-ray is an inspection*, and the x-ray information is not known until after the inspection takes place. Claim 11 clearly recites that "each task comprises information known about a unique shipment of goods *prior to the shipment being inspected*" (emphasis added). *McClelland* and *Moore* therefore do not make claim 11 obvious.

Independent claims 22, 31, 35, and 42 recite similar features as claim 11 insofar as each task comprises information known about a unique shipment of goods prior to the shipment being inspected, and are therefore allowable at least for the same reasons as claim 11.

In addition, claims 31 and 35 include, among other features, a database wherein each entry is representative of a task. Such a database is not taught or suggested by the prior art of record. For at least the foregoing reasons, independent claims 11, 22, 31, 35, and 42 are allowable.

Dependent claims 12-21, 23-30, 32-34, 36-37, and 43-51 are distinguishable over the prior art of record for at least the same reasons as their ultimate base claims and further in view of the novel features recited therein.

Furthermore, the Office Action alleges that dependent claims 19 and 28 are disclosed by *McClelland*. Applicant respectfully traverses this allegation. The Office Action states that the feature of claims 19 and 28 of "[d]isplaying a research tool in response to user input" is found in Column 7, lines 13-27 of *McClelland*. (Office Action, pg. 6). However, when reviewing Column 7, lines 13-27 of *McClelland* it is clear that this section merely discusses the display of "statistical data that may be displayed by the operator interface." (*McClelland*, col. 7, ll. 14-15). This display of statistical data in *McClelland* is not the same as the feature as disclosed by the applicants of displaying a research tool in response to user input. The research tools as described in the specification include address searching, vehicle ID/VIN lookup, Criss-Cross Directory, Trend Analysis Group Reports, Automated Commercial System access, Target Analysis, and Dun & Bradstreet. These tools are not taught or suggested by the statistical data as disclosed and taught by *McClelland*.

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Lastly, the Office Action goes on to state that the feature of “[r]eceiving research criteria input by the user, querying the [re]search tool and displaying results” is disclosed in Column 11, lines 34-50 of *McClelland*. (Office Action, pg. 6). When reviewing Column 11, lines 34-50 of *McClelland*, it is clear that this section discusses and discloses how “image search tools may be employed to select images from a large database of real images for training purposes.” (*McClelland*, col. 11, ll. 34-36). *McClelland* further discloses that the system provides information as to the current status of baggage information, operator workload, decision time, percentage bags rejected, etc. (*McClelland*, col. 11, ll. 40-45). It is clear that this disclosure does not teach or suggest the claimed features of “(vi) receiving research criteria input by the user; (vii) querying the research tool using the research criteria; and (viii) displaying query results on the display screen” (Claims 19, 28) because this section of *McClelland* merely discloses how an image search tool may be employed and how the system provides information related to baggage details. Thus, *McClelland* does not disclose, teach, or suggest at least these elements of Claims 19 and 28, and therefore *McClelland* does not anticipate Claims 19 and 28.

New Claims

New claims 59-68 have been added by the present amendment. These claims are fully supported by the original written description and drawings and do not add new matter. Claims 59-68 describe the Target Analysis enforcement tool as described in paragraph [0051] of the written description. For at least similar reasons to those described above with reference independent claims 11, 22, 31, 35, and 42, dependent claims 59-68 are allowable.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the Examiner’s rejections and allowance of claims 11-37, 42-51, and 59-68 in the present Application. Applicants respectfully submit that the instant application is in condition for allowance and respectfully solicit prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage

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to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. Applicants look forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,
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Date: September 3, 2008

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